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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,338	02/09/2004	Hiroyuki Komai	1046.1309	8928
21171 7590 10/10/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER KIM, JUNG W				
ART UNIT 2432		PAPER NUMBER		
MAIL DATE 10/10/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/773,338

## Applicant(s)

KOMAI, HIROYUKI

## Examiner

JUNG KIM

## Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 4,8 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the RCE filed on 7/14/08.
2. Claims 1, 2, 4, 5, 6, 8, 9, 10 and 12 are pending.

### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/14/08 has been entered.

### ***Response to Arguments***

4. Applicant's arguments, with respect to the prior art rejections under Chang in view of Glassman have been fully considered and are persuasive. The 103(a) rejections of these claims have been withdrawn.
5. Applicant's arguments with respect to the prior art rejections under Chang in view of Henry of claims 1, 2, 5, 6, 9 and 10 have been considered but are not persuasive. Applicant argues that Henry does not disclose the limitation "wherein in determining the log-in procedure, the log-in procedure is determined by lowering the security level when a number of days since the last log-in date is smaller than a predetermined small

number of days” because Henry merely discloses an idle-key-life variable for deactivating a key if the idle-key-life days have passed since the last login using a particular key.” Remarks, pg. 6, paragraph 5. This argument is not persuasive because each recorded key disclosed by Henry has a corresponding variable that tracks the duration of time the key has not been used; hence, this variable resets to zero once a user logs into their account using their respective login key (20:6-11). This variable disclosed by Henry is analogous to applicant’s stored security level. For this reason, Henry suggest the limitation “wherein in determining the log-in procedure, the log-in procedure is determined by lowering the security level when a number of days since the last log-in date is smaller than a predetermined small number of days.”

***Claim Rejections - 35 USC § 103***

6. Claims 1, 2, 5, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. US Patent Application Publication No. 20030131110 (hereinafter Chang) in view of Henry US 5,774,058 (hereinafter Henry).

7. As per claims 5 and 6, Chang discloses an authentication information processing device comprising: apparatus information acquiring module acquiring apparatus information of a user apparatus requesting a log-in (paragraph 28-32); log-in procedure determining module determining a log-in procedure to be applied to the user apparatus on the basis of the apparatus information (paragraphs 30, 34 and 39); log-in accepting module accepting a log-in operation from the user apparatus; and log-in judging module

judging, based on the determined log-in procedure and on the accepted log-in operation, whether the log-in from the user apparatus is permitted or not (paragraph 34). Chang does not disclose a last log-in time storing module storing a last log-in time of the user apparatus, the last log-in time being related to the apparatus information; and a security level storing module storing a security level with a last log-in date related to the security level, wherein the log-in procedure judging module determines the log-in procedure by raising the security level when a period longer than a predetermined period has elapse since the last log-in time; wherein in determining the log-in procedure, the log-in procedure is determined by lowering the security level when a number of days since the last log-in date is smaller than a predetermined small number of days; an accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in procedure in accordance with the accumulated log-in count. Henry discloses a remote access login system, whereby access is effectuated using a digital key, whereby the system stores the following key information: Last-Login-Date, Successive-Bad-PIN-Count (number of successive attempts with an invalid PIN), Status (active or deactivated key). (col. 11:27-40) When the number of successive attempts with an invalid PIN reaches a certain threshold, the key is deactivated. (11:45-12:26) Also, Henry discloses that the system stores an Idle-Key-Life variable, wherein if Idle-Key-Life days have passed since the last login using a particular key, the key is deactivated. (13:25-32; 20:12-26) Each key recorded has a corresponding variable that tracks the duration of time the key has not

been used; hence, this variable resets to zero once a user logs into their account using their respective login key (20:6-11). Henry discloses that such features allow an administrator to configure operating parameters to prevent unauthorized personnel from accessing the device. (2:61-65) Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the invention of Chang to further comprise: a last log-in time storing module storing a last log-in time of the user apparatus, the last log-in time being related to the apparatus information; and a security level storing module storing a security level with a last log-in date related to the security level, wherein the log-in procedure judging module determines the log-in procedure by raising the security level when a period longer than a predetermined period has elapsed since the last log-in time; wherein in determining the log-in procedure, the log-in procedure is determined by lowering the security level when a number of days since the last log-in date is smaller than a predetermined small number of days; an accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in procedure in accordance with the accumulated log-in count. One would be motivated to do so to allow an administrator to configure operating parameters to prevent unauthorized personnel from accessing the device. The aforementioned cover the limitations of claims 5 and 6.

8. As per claims 1 and 2, they are claims corresponding to claims 5 and 6, and they do not teach or define above the information claimed in claims 5 and 6. Therefore,

claims 1 and 2 are rejected as being unpatentable over Chang in view of Henry for the same reasons set forth in the rejections of claims 5 and 6.

9. As per claims 9 and 10, they are claims corresponding to claims 5 and 6, and they do not teach or define above the information claimed in claims 5 and 6. Therefore, claims 9 and 10 are rejected as being unpatentable over Chang in view of Henry for the same reasons set forth in the rejections of claims 5 and 6.

***Allowable Subject Matter***

10. Claims 4, 8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Communications Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Kim/  
Primary Examiner, AU 2432